

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW G. SILVA,

Petitioner,

v.

DONALD HOLBROOK,

Respondent.

Case No. C14-1934-RSM

ORDER DISMISSING ACTION

The Court, having reviewed the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

(2) Neither Petitioner's Objections, nor his Second Amended Complaint, nor his Declaration Regarding Exhaustion Efforts, remedy the deficiencies identified by Judge Donohue in his Report and Recommendation.

(3) Petitioner's federal habeas petition and this action are DISMISSED without prejudice.

(4) Petitioner's application to proceed *in forma pauperis* is STRICKEN as moot.

ORDER DISMISSING ACTION

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1 (5) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
2 United States District Courts, a certificate of appealability is DENIED.

3 (6) The Clerk is directed to send copies of this Order to petitioner and to the
4 Honorable James P. Donohue.

5 DATED this 3 day of March 2015.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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